## REMARKS

Claims 1-25 are pending. No amendments are made with this response. Reconsideration of the application is respectfully requested in view of the remarks below.

## I. NOTIFICATION OF OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION IN OTHER CO-ASSIGNED PENDING APPLICATION

Applicant wishes to make the Examiner aware of a provisional double patenting rejection that was made in another pending Application Serial No. 10/748,369 that is assigned to the same assignee as the subject patent application. The application, and an Office Action cited therein, is also provided herein in an Information Disclosure Statement filed concurrently with this response for the Examiner's easy reference. Applicant at this time makes no admissions as to whether such claims are relevant with respect to patentability to the present claims at issue.

## II. REJECTION OF CLAIMS 1-4, 6, 8, 10-14, 16, 18-21, 23 AND 25 UNDER 35 U.S.C. § 102(e)

Claims 1-4, 6, 8, 10-14, 16, 18-21 and 25 were rejected under §102(e) as being anticipated by U.S. Patent Publication No. 2004/0125779 (Kelton et al.). Withdrawal of this rejection is requested for at least the following reasons.

### *i. Kelton et al. do not teach requesting the QoS needs of a non-QoS capable home LAN device, as recited in claim 1.*

Claim 1 is directed to a method of QoS provisioning a non-QoS capable home LAN device on a home network. The method comprises requesting the QoS needs of ***a non-QoS capable home LAN device.*** Kelton et al. do not teach this feature.

As is well known by those of ordinary skill in the art, and as stated in applicant's specification, for example, on page 2, lines 3-9, and page 7, lines 19-27, non-QoS capable client devices are not capable of communicating their respective QoS needs to a subnet bandwidth manager (SBM), and consequently such devices tend to interfere with other devices on the network with respect to data collisions or the like. Based on

this well understood characteristic of non-QoS capable devices, Kelton et al. do not teach the above feature of claim 1.

The Office Action cites to paragraph [0014] of Kelton et al. in rejecting the above feature at issue in claim 1. However, cited paragraph [0014] of Kelton et al. unambiguously states that the one or more client devices request channel resources, and thus such devices are communicating their QoS needs to an SBM. ***Consequently, such client devices of Kelton et al. are QoS compliant devices, not non-QoS capable, as recited in claim 1.*** Therefore the cited reference fails to anticipate the invention of claim 1. Similarly, independent claims 10 and 19 have similar limitations therein. Accordingly, withdrawal of the rejection of claims 1, 10 and 19, along with their respective depending claims, is respectfully requested.

***ii. Kelton et al. do not teach provisioning the QoS needs of the non-QoS capable home LAN device into the gateway utilizing a reservation protocol, as recited in claim 1.***

Claim 1 further recites that once the QoS needs of a non-QoS capable device are requested, that such QoS needs are provisioned into the gateway utilizing a reservation protocol. Claims 10 and 19 recite similar features. The Office Action asserts that paragraphs [0015]-[0022] disclose various provisioning methods utilizing a reservation protocol. While applicant concedes that such paragraphs do disclose provisioning methods, such provisioning constitutes provisioning the QoS needs of QoS capable devices, and ***not*** non-QoS capable client devices as claimed. Therefore Kelton et al. do not teach this feature, and thus do not anticipate the invention of claims 1, 10 and 19 for at least this additional reason.

***iii. Kelton et al. do not teach running an HTTP protocol on a web browser to manually poll a suer for the one or more QoS parameters of the non-QoS capable device, as recited in claim 4.***

Claim 4 depends on claim 1, and recites that requesting the QoS needs of a non-QoS capable device comprises running an HTTP protocol on a web browser to manually poll a user for the one or more QoS parameters of the non-QoS capable device. Claim 21 recites a similar feature. Kelton et al. do not teach this feature. While Kelton et al. do discuss a web browser in paragraph [0060], in paragraph [0060] the client devices 26-34 first make an access request to the network (a communication of their QoS requirements), and in response to an access request, a server 42 opens a network access application such as a web browser. Since the client devices of Kelton et al. are configured to make an access request instead of simply initiating its desired task, such client devices are QoS compliant. Furthermore, since the client devices have already made an access request, the web browser is not polling a user for QoS parameters (because they have already been received). Therefore Kelton et al. do not teach the invention of claim 4. Accordingly, withdrawal of the rejection of claim 4 is respectfully requested for at least this additional reason.

## III. CONCLUSION

For at least the above reasons, pending claims currently under consideration are believed to be in condition for allowance and notice thereof is requested.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

In addition, should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 20-0668, TI-35316.

Respectfully submitted,
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